بسم الله الرحمن الرحيم

A Draft Constitution for the Khilafah State

(From the book "System of Islam" by Hizb ut Tahrir)

This is a draft constitution for the Khilafah State, which we put in the hands of the Muslims - whilst are working to establish the Khilafah State, and re-establish ruling by all that Allah (swt) has revealed - to envision the reality of the Islamic State, its structure and systems and what it will implement from the systems and legal rulings of Islam.

This constitution is an Islamic constitution, derived from the Islamic 'aqeedah, and taken from the legal rulings, based on the strength of evidence.

It is verified in its extraction from the Book of Allah (swt), the Sunnah of His Messenger (saw), and the Consensus of the Companions (ra) and the Qiyas.

It is an Islamic constitution and not other than that. There is nothing in it that is un-Islamic. It is a constitution that is not restricted with a specific region, or a specific country. Instead, it is for the Khilafah State in the Islamic World, in fact, in the whole world, considering that the Khilafah State will carry Islam as a message of light and guidance to the whole world, and it works to take care of its affairs, to annex it and to apply the legal rulings of Islam upon it.

And "**Hizb ut Tahrir**" presents this draft to the Muslims and asks Allah (swt) to honor them and to accelerate the achievement of the goal of the believers, endeavoring to establish a Khilafah Rashidah and to return to ruling by all that Allah (swt) has revealed, so that this

draft is instituted as a constitution for the Khilafah State. **وَمَا ذَٰلِكَ عَلَى اللَّهِ بِعَزِيزٍ "And that is not difficult for Allah."** [TMQ 14:20]

General Rulings.....3

The Ruling System.....6

The Khaleefah.....8

Assistants.....14

Assistant of Execution.....16

The Governers.....17

The Amir of Jihad – the Military Department – the Army.....19

The Internal Security.....20

The Department of Foreign Affairs.....21

The Department of Industry.....21

The Judiciary.....22

The Administrative System.....26

The Treasury.....27

The Media.....27

Majlis al-Ummah.....28

The Social System.....30

The Economic System.....32

Education Policy.....41

Foreign Policy.....43

General Rulings

Article 1: The Islamic ‘Aqeedah constitutes the foundation of the State. Nothing is permitted to exist in the government’s structure, accountability, or any other aspect connected with the government, that does not take the ‘Aqeedah as its source. The ‘Aqeedah is also the source for the State’s constitution and shar’i canons. Nothing connected to the constitution or canons is permitted to exist unless it emanates from the Islamic ‘Aqeedah.

Article 2: The domain of Islam (Daar ul-Islam) is that entity which applies the rules of Islam in life’s affairs and whose security is maintained by Muslims. The domain of disbelief (Daar ul-Kufr) is that entity which applies the rules of kufr and whose security is maintained by the kuffaar

Article 3: The Khaleefah is empowered to adopt divine rules (aHkaam shar’iyyah) enacted as constitution and canons. Once the Khaleefah has adopted a divine rule, that rule alone becomes the divine rule that must be enacted and then implemented. Every citizen must openly and secretly obey that adopted rule.

Article 4: The Khaleefah does not adopt divine rules pertaining to worship, i.e. ibadaat, except in connection with alms (zakaah) and war (jihaad). Also, he does not adopt any of the thoughts connected with the Islamic ‘Aqeedah.

Article 5: All citizens of the Islamic State are entitled to enjoy the divine rights and duties.

Article 6: All citizens of the State shall be treated equally regardless of religion, race, colour or any other matter. The State is forbidden to discriminate among its citizens in all matters, be it ruling or judicial, or caring of affairs.

Article 7: The State implements the aHkaam shar'iyyah on all citizens who hold citizenship of the Islamic State, whether Muslims or not, in the following manner:

a. The aHkaam shar'iyyah is implemented in its entirety, without exception, on all Muslims.

b. Non-Muslims are allowed to follow their own beliefs and worships.

c. Those who are guilty of apostasy (murtadd) from Islam are to be executed according to the rule of apostasy, provided they have by themselves renounced Islam. If they are born as non-Muslims, i.e., if they are the sons of apostates, then they are treated as non-Muslims according to their status as being either polytheists (mushriks) or People of the Book.

d. In matters of food and clothing the non-Muslims are treated according to their religions within the limits allowed by ahkam Shara'iah.

e. Marital affairs (including divorce) among non-Muslims are settled in accordance with their religions, but between non-Muslims and Muslims they are settled according to the aHkaam shar'iyyah.

f. All the remaining shar'i matters and rules, such as: the application of transactions, punishments and evidences (at court), the system of ruling and economics are implemented by the State upon everyone, Muslim and non-Muslim alike. This includes the people of treaties (mu'aahid), the protected subjects (ahlu ZHimmah) and all who submit to the authority of Islam. The implementation on these people is the same as the implementation on the subjects of the State. Ambassadors and envoys enjoy diplomatic immunity.

Article 8: Arabic is the language of Islam and the sole language of the State.

Article 9: Ijtihaad (juristic exertion to derive the Islamic rule) is farD kifaayah (a collective duty). Every Muslim has the right to exercise ijtihaad if he has acquired the necessary conditions to perform it.

Article 10: There is no such thing as a clergy in Islam as all Muslims bear the responsibility for Islam. The State will prevent anything that indicates the existence of a clergy among Muslims.

Article 11: The primary function of the State is the propagation of the invitation (da'wah) to Islam.

Article 12: The only evidences to be considered for the divine rules (aHkaam shar'iyyah) are: the Qur'an, the Sunnah, the consensus of the Companions (ijmaa' as-SaHaabah) and analogy (qiyaas). Legislation cannot be taken from any source other than these evidences.

Article 13: Every individual is innocent until proven guilty. No person shall be punished without a court sentence. Torturing is absolutely forbidden and whoever inflicts torture on anyone shall be punished.

Article 14: All human actions are, in origin, restricted by the divine rules (aHkaam shar'iyyah), and no action shall be undertaken until its rule (Hukm) is known. Every thing or object is permitted, i.e., Halaal, unless there is an evidence of prohibition.

Article 15: Any means that most likely leads to a prohibition (Haraam) is itself Haraam. However if it was (only) feared that it may lead to a prohibition, then it would not be Haraam.

The Ruling System

Article 16: The ruling system of the State is that of a unitary ruling system and not a federation.

Article 17: Ruling is centralised and administration is de-centralised.

Article 18: There are four positions of ruling in the State. They are: The Khaleefah , the delegated assistant (mu'aawin at-tafweeD), the governor (wali), the provincial mayor (a'mil). All other officials of the State are employees and not rulers.

Article 19: No one is permitted to take charge of ruling, or any action considered to be of the nature of ruling, except a male who is free (Hurr), i.e. not a slave, mature (baaligh), sane ('aaqil), trustworthy ('adl), competent; and he must not be save a muslim.

Article 20: Calling upon the rulers to account for their actions is both a right for the Muslims and a farD kifaayah (collective duty) upon them. Non-Muslim subjects have the right to make known their complaints about the rulers' injustice and misapplication of the Islamic rules upon them.

Article 21: Muslims are entitled to establish political parties to question the rulers and to access the positions of ruling through the Ummah on condition that the parties are based on the 'Aqeedah of Islam and their adopted rules are aHkaam shar'iyyah; the establishment of such a party does not require a license by the State. Any party not established on the basis of Islam is prohibited.

Article 22: The ruling system is founded upon four principles. They are:

1. Sovereignty belongs to the divine law (shara') and not to the people.

2. Authority belongs to the people, i.e., the Ummah.

3. The appointment of one Khaleefah into office is an obligation upon all Muslims.

4. Only the Khaleefah has the right to adopt the aHkaam shar'iyyah and thus he passes the constitution and the various canons.

Article 23: The state apparatus is established upon thirteen institutions:

1. The Khalifah (Leader of the State)
2. The Assistants (delegated ministers)
3. Executive ministers
4. The Governors
5. The Amir of Jihad
6. The Internal Security
7. The Foreign Affairs
8. Industry
9. The Judiciary
10. The People's Affairs (administrative apparatus)
11. The Treasury (Bayt al-Mal)
12. Communication/ Information
13. The Shura (consultative) Council

The Khaleefah

Article 24: The Khaleefah is deputised by the Ummah with authority to implement the shar'.

Article 25: The Khilafah is a contract upon choice and consent, so no one is compelled to accept it, and no one is compelled to choose the one who would undertake it.

Article 26: Every mature male and female Muslim, who is sane, has the right to participate in the election of the Khaleefah and in giving him the pledge (ba'iah). Non-Muslims have no right in this regard.

Article 27: Once the contract of the Khilafah has been concluded on a person through the ba'iah of those by whom the ba'iah is legitimately concluded, the ba'iah of the remaining people is a ba'iah of obedience and not contract. Consequently, those who might disobey or rebel are obliged to give ba'iah.

Article 28: Nobody can become Khaleefah without being appointed by the Muslims. Nobody can hold the power of the Khilafah unless it is convened to him legitimately, as is the case with any contract in Islam.

Article 29: Any country that wishes to give the Khaleefah the ba'iah of contract, her sulTaan (authority) must be self-acting, that depends on Muslims only and not on any kaafir state. The security of the Muslims in that country, both internally and externally, must be maintained by the security of Islam and not kufr.

As for the ba'iah of obedience only, it can be taken from any other country without such conditions.

Article 30: The individual who is given the ba'iah for Khilafah need only to fulfill the contracting conditions, even if he did not fulfil the preferable conditions, because what is essential is the conditions of contracting.

Article 31: There are seven conditions needed in the Khaleefah so that the Khilafah can be contracted to him. They are to be a male, Muslim, free (Hurr), mature (baaligh), sane (‘aaqil), trustworthy (‘adl) and able (qaadir).

Article 32: If the post of the Khaleefah becomes vacant, due to death, resignation or dismissal, the appointment of a new Khaleefah must take place within three days, which includes the nights from the date when it became vacant.

Article 33: A temporary leader is appointed to take charge of the affairs of the Muslims, and to prepare for the election of the new Khalifah after the vacation of the position of the Khilafah according to the following process:

a. When the previous Khalifah feels that his life is coming to an end, or is committed to resigning, he has the right to appoint the temporary leader.

b. If the Khalifah dies or resigns before appointing the temporary leader, or the position of the Khilafah becomes vacant due to another reason, then the eldest of the assistants becomes the temporary leader unless he intended to be a candidate for the Khilafah in which case the next senior assistant is to be given the position and so on.

c. If all of the assistants intend to be candidates, then the eldest of the executive ministers will become the temporary leader or the one after him in seniority if he intends to be a candidate, and so on.

d. If all of the executive ministers intend to be candidates for the Khilafah, then the position of the temporary leader is given to the youngest executive minister.

e. The temporary leader does not have the right to adopt rules.

f. The temporary leader makes all effort to complete the appointment of a new Khalifah within three days, and it is not permitted for this to be extended except due to overwhelming circumstances that the Madhalim court has to confirm.

Article 34: The method of appointing the Khalifah is the pledge of allegiance (Bay'a). The practical steps to appoint the Khalifah and his Bay'a are:

a. The Madhalim court announces the vacancy of the position of the Khilafah

b. The temporary leader takes control of his responsibility and announcing the opening of the nomination procedure immediately

c. Applications of the candidates fulfilling the contracting conditions would be accepted, excluding the other applications, by the decision from the Madhalim court.

d. The candidates who have been accepted by the Madhalim court, are then selected by the Muslim members of the Shura council in the following two stage procedure: first to select the six candidates who received the most votes from them, and the second stage to select the two candidates who received the most votes

e. The names of the two are announced and the Muslims are requested to vote for one of them

f. The result of the elections is announced and the Muslims are informed as to who received the most votes.

g. The Muslims promptly set out to give the pledge to whoever received the most votes, as the Khalifah of the Muslims upon the Book of Allah (swt) and the Sunnah of His Messenger (saw).

h. Once the pledge has been completed, the Khalifah is announced to the public, until the news of his appointment has

reached the whole Ummah, with mention of his name and that he fulfilled the characteristics that mean he is suitable to contract the Khilafah.

i. After completing the steps to appoint the new Khalifah the responsibility of the temporary leader ends.

Article 35: The Ummah has the authority to appoint the Khaleefah but she has no right to dismiss him after he has legitimately attained the ba'iah of contracting.

Article 36: The Khalifah possesses the following powers:

a. He is the one who adopts the Shari'ah rules derived by a correct Ijtihad from the Book of Allah (swt) and the Sunnah of his Messenger necessary for managing the affairs of the Ummah since when he adopts them they are enacted, at which point they become laws (qawanin) which are obligatory to obey, and it is not permitted to oppose them.

b. He is responsible for governing the domestic and foreign affairs of the State, and he takes command of the leadership of the Army; he has the right to announce war, to sign peace treaties, truces and all other types of agreements.

c. He is the one who can accept or refuse to meet foreign ambassadors and appoint and remove the Muslim ambassadors.

d. He is the one who appoints and removes the assistants and governors. They are all responsible to him as they are responsible to the Shura council.

e. He is the one who appoints and removes the head judge and judges with the exception of the Madhalim judge in the event of his looking into a case regarding the Khalifah, his assistants or his head judge. He also has the power to appoint and remove the department

managers, the commanders of the army, and the standard bearers. All of these are responsible to him and not to the Shura council.

f. He is the one who adopts the Shari'ah laws that are drafted according to the budget of the State and decides the sections of the budget and the amount given to each aspect, irrespective to whether it was related to revenue or expenditure.

Article 37: The Khaleefah is restricted in what he adopts by the aHkaam shar'iyyah. He is forbidden to adopt any rule that is not soundly deduced from the divine texts. He is restricted to the rules he has adopted and to the method for deduction that he has chosen. Accordingly, he is prevented from adopting a rule deduced by a method that contradicts the method he has adopted, and he must not enact any command that contradicts the rules he has adopted.

Article 38: The Khaleefah has the absolute right to conduct the citizens' affairs according to his ijtihaad, so he has the right to adopt of the mubaaH matters anything he wants to run the State affairs and to look after the affairs of the citizens. However, he is not allowed to disagree with a Hukm shar'i under the name of interest. For example; he cannot prevent a family from having more than one child under the pretext of the shortage in food. Nor can he fix prices on the pretext of preventing exploitation; or appoint a kaafir or a woman as a waali on the pretext of caring for affairs or the interest, nor anything that disagrees with sharee'ah rules. The Khaleefah must not forbid any Halaal thing or allow any Haraam thing.

Article 39: There is no limitation on the Khaleefah's period in office. So as long as he abides by the shara', implements its rules and is able to manage the State's affairs, he continues as a Khaleefah unless his situation changes in such a way as to discharge him from the office of Khilafah. He is to be dismissed immediately, once such a situation occurred.

Article 40: There are three matters by which the situation of the Khaleefah changes; and by such he is discharged from the office of Khilafah. They are:

a. If one of the qualifying conditions of the Khilafah contract becomes void, such as apostatising from Islam, insanity or manifest sinfulness (fisq) and the like. This is because these are conditions for contracting the Khilafah and for its continuity.

b. His inability to undertake the responsibilities of the Khilafah post, for any reason.

c. In the event of sub-dual, whereby the Khaleefah is rendered unable to conduct the affairs of the Muslims by his own opinion according to the shar'. If the Khaleefah is subdued by any force to an extent that he is unable to manage the citizens affairs by his own opinion alone according to the rules of shara', he is considered to be legitimately incapable of undertaking the functions of the state, and thus he ceases to be a Khaleefah. This situation may arise under two circumstances. They are:

Firstly: When one or more of the Khaleefah's entourage exerts control over the management of affairs. If there is a chance that the Khaleefah could rid himself of their dominance he is cautioned for a specified period of time, after which, if he fails to rid himself of their dominance, he must be dismissed. If it appears that there is no chance of the Khaleefah freeing himself from their dominance, he is to be dismissed immediately.

Secondly: Should the Khaleefah be captured by a subduing enemy, whether he is actually captured or under its influence. In this case the situation is to be examined; if there is a chance to rescue the Khaleefah, he is given a period of time until it appears that there is no hope to rescue him, after which he is dismissed. Should it appear from

the outset that there is no hope of rescuing him, he is to be dismissed immediately.

Article 41: The responsibility of deciding whether or not the Khaleefah's situation has altered in such a way as to warrant his dismissal is the prerogative of the Court for the Acts of Injustice (maHkamat al-maZaalim). It alone has the authority to admonish or dismiss the Khaleefah.

Delegated Assistant (Mu'aawin ut-tafweeD)

Article 42: The Khaleefah appoints a delegated assistant with the authority to assist him in undertaking the responsibility of ruling. He deputises to him to manage affairs with his own point of view and ijtihaad.

On the death of the Khalifah, the role of his assistants ends, and they do not continue in their work except for the period of the temporary leader.

Article 43: The Mu'aawin ut-tafweeD must be qualified with the same essential qualifications of the Khaleefah, i.e. that he should be male, free, Muslim mature, sane, and 'adl (trustworthy). Additionally he must be competent in the tasks for which he is deputised to undertake.

Article 44: The appointment of the Mu'aawin ut-tafweeD must entail both deputation and a general responsibility. Thus, in the appointment of the assistant, the Khaleefah must pronounce a statement to the effect of "I appoint you on my behalf as my deputy" or any other statement that confers both deputation and general responsibility. Unless the Mu'aawin ut-tafweeD is appointed in this manner he would not be a Mu'aawin ut-tafweeD and nor hold the authority of a delegated assistant. This authorisation enables the Khalifah to send the

assistants to specific locations, or transfer them to other places and other work as is required as the assistant of the Khalifah, and without the need for a new authorisation since it all falls under the original empowerment.

Article 45: The function of the delegated assistant, so as to distinguish between him and the Khaleefah in his authority, is to inform the Khaleefah of the matters he has managed and the appointments and delegated duties he has implemented. Therefore, the function of the Mu'aawin ut-tafweeD is to inform the Khaleefah of his analysis and, unless the Khaleefah prevents him, to carry it out.

Article 46: The Khaleefah has to examine the actions and dispositions of the Mu'aawin ut-tafweeD so as to confirm what is sound and to adjust that, which is wrong. This is because the management of the Ummah's affairs is entrusted to the Khaleefah and subject to his own ijtihaad.

Article 47: Once the Mu'aawin ut-tafweeD has managed a matter with the agreement of the Khaleefah, he has the right to carry it out - as acknowledged - without any alteration. If the Khaleefah revises the matter and objects to what the Mu'aawin ut-tafweeD has executed, the following considerations apply: If the Khaleefah has objected to what the Mu'aawin ut-tafweeD has carried out in regard to a rule implemented soundly, or a fund spent justly, then the view of the Mu'aawin ut-tafweeD must be enacted. This is because it is originally the view of the Khaleefah and the Khaleefah must not redress laws that he has implemented and funds that he has spent. However if the Mu'aawin ut-tafweeD has implemented something else, such as the appointment of a waali or the equipping of the army, then the Khaleefah has the right to object and to overrule the decision of the Mu'aawin ut-tafweeD. This is because the Khaleefah has the right to redress his own decisions in such cases and hence those of the Mu'aawin ut-tafweeD.

Article 48: The Mu'aawin ut-tafweeD has a general deputation and therefore he must not be assigned to specific departments or specific types of action. He undertakes general supervision of the administrative system but does not undertake administrative matters for this is the task of civil servants and not the rulers. He is not commissioned to any specific area of actions since his guardianship is general.

Assistant (Wazir) of Execution (Mu'aawin ut-tanfeeDh)

Article 49: The Khalifah appoints assistants for implementation and their work is administrative. They are not rulers and their department is the body to execute what the Khalifah issues in both internal and foreign affairs authorities and to submit what comes to him from these authorities. The department is the intermediary between the Khalifah and others, conveying to and from him in the following matters:

a. Relations with the people

b. International relations

c. The military

d. The institutions of the State other than the military

Article 50: The Mu'aawin ut-tanfeeZH must be a Muslim because he is one of the Khaleefah's entourage.

Article 51: The Mu'aawin ut-tanfeedh is always in direct contact with the Khaleefah the same way the Mu'aawin ut-tafweeD is. The Mu'aawin ut-tanfeedh is considered an assistant but in execution rather than ruling.

The Governors (Wulaa)

Article 52: The lands which are ruled by the State are divided into units and each unit is called a Wilayah (province). Each province is divided into units and each unit is called an ’Imalah (district). The one who governs the province is called the Wali (governor) or Amir and the one who governs the ’Imalah is called the ’Aamil (worker) or Hakim (ruler).

Article 53: The Khalifah appoints the governors. The ’Ummal (workers) are appointed by the Khalifah and by the governors if they have been delegated that power. The preconditions of the governors and ’Ummal are the same as the conditions for the assistants, so it is imperative that they are free, just, Muslim, adult men and are from the people who have the capability to do what they are assigned to, and they are chosen from the people of taqwa (God fearing) and power.

Article 54: The governor has the mandatory powers of ruling and responsibility over the actions of the departments in his governorship as a delegate of the Khalifah. So he has all the powers in his province that the assistant has in the State. He has leadership over the people of his province and control over everything that is connected with it apart from the finances, judiciary and Army. However, the police come under his leadership from the angle of implementation not administration.

Article 55: The governor is not obliged to inform the Khalifah of what he has carried out within his authorised command. If a new problem arises which was not well known, he has to wait until he has informed the Khalifah about it, and then proceeds according to the instructions of the Khalifah. If he was afraid that the problem would be exacerbated due to the delay, he carries out the action and then must inform the Khalifah later on about the reason for not informing him beforehand.

Article 56: Every province has an assembly elected from its people and headed by the governor. The assembly has the authority to participate in expressing opinions on administrative matters and not in ruling and this would be for two objectives:

Firstly - providing the necessary information about the situation of the governorate and its needs to the governor and to express their opinion about that.

Secondly - in order to express their contentment or complaint about the rule of the governor over them.

The opinion of the assembly is not binding in the first instance and is binding in the second – if they complain about the governor he is removed.

Article 57: The governor's term of office in a particular province is not to be long. He must be discharged whenever he becomes firmly established in his province or the people become enchanted with him.

Article 58: The governor is not moved from one province to another since his appointment was for a general control in a specific area. Therefore he has to be discharged first and then reappointed.

Article 59: The governor can be discharged if the Khalifah decides so or if the Shura council expresses dissatisfaction with him - whether justified or not - or if the provincial council appears displeased with him. However, the governor can only be dismissed by the Khalifah.

Article 60: The Khalifah must examine the actions of the governors and continually assess their performance strictly. He must deputise people to monitor their situations, investigate them, and periodically gather all or some of them, and listen to the complaints of the subjects regarding them.

The Amir of Jihad – the Military Department – the Army

Article 61: The War Department is in charge of all the affairs connected to the armed forces of the Army and police, and the treaties, objectives, military equipment and similar. They are also responsible for the military colleges, expeditions and everything that is necessary from the Islamic culture and the general cultural necessary for the Army, as well as everything connected to war and its preparation, and the head of this department is called the Amir of Jihad

Article 62: Jihad is obligatory upon the Muslims and military training is compulsory. Every male Muslim who has reached the age of 15 is obligated to undertake military training in order to prepare him for Jihad. Recruitment is an obligation of sufficiency.

Article 63: The Army has two sections: the reserve section, which is all those Muslims who are capable of carrying arms, and the section of regular soldiers, who get salaries from the State budget in the same manner as the civil servants.

Article 64: The Army is given banners and flags and the Head of State (the Khalifah) gives the banners to whomever he appoints as leader to the Army, whereas the flags are introduced by the brigadiers.

Article 65: The Khalifah is the Commander of the Army and he appoints the Chief of General Staff, a general for each brigade, and a commander for every division. The remaining ranks in the Army are appointed by the brigadiers and commanders. The appointment of general staff is according to their level of military expertise and is carried out by the Chief of General Staff.

Article 66: The Army is a unified entity which has specific bases. However, it is necessary that some of these bases are placed in different provinces and others in strategic locations. Some of the bases should be permanently mobile fighting forces. These bases are organised in numerous groups, with each group being given a number as a name, such as the first Army, the third Army, or they can be named after a province or district.

Article 67: It is obligatory to provide the Army with the highest level of military education and raise its intellectual level as far as possible. Every individual in the Army should be cultured Islamicaly to enable him to have an awareness of Islam, to at least a general level.

Article 68: It is obligatory that each base should have a sufficient number of officers of the general staff who possess expert military knowledge and experience in drawing up plans and directing battles. The Army as a whole should possess as many of these officers as possible.

Article 69: It is obligatory to provide the Army with weapons, supplies and equipmentas well as all necessities and requirements, which enable it to carry out its mission as an Islamic Army.

The Internal Security

Article 70: The Department of Internal Security is responsible for everything related to security, and prevents everything that threatens the internal security. It protects the security of the land through the police, and does not resort to the Army except by the order of the Khalifah. The head of this department is called the manager of the internal security. This department has branches in the provinces which are called section of internal security and the head of the section is called the Police Chief, Sahib al-Shurtah, in the province.

Article 71: The police (shurtah) have two branches: the military police, who are under the command of the Amir of Jihad, in other words, the war department, and the police who are under the control of the Ruler to protect the security, and they are under the authority of the Department of Internal Security. The two branches have specific training and specific culture in order for them to carry out their responsibilities in the best manner.

Article 72: The most prominent issues that threaten the internal security that are under the responsibility of the Department of Internal Security to treat are: apostasy, rebellion and banditry, attacks on people's wealth, attacking people and their honour and co-operating with the people of suspicion who spy for the disbelievers who are at war.

The Department of Foreign Affairs

Article 73: The Department of Foreign Affairs is in charge of all the affairs connected to the relations of the Khilafah state with the foreign states, whether from the political angle, or economic, industrial, agricultural and trade aspects, or postal, cable and wireless connections and so on.

The Department of Industry

Article 74: The Department of Industry is in charge of all the affairs connected to industry, whether heavy industry such as the manufacturing of engines, machines, vehicles, materials and electrical equipment, or light industry. Similarly, whether the factories are of the public property type or they are included in the private property and have a relationship to the military industry. All types of factories must be established upon the basis of military policy.

The Judiciary – QaDaa

Article 75: Judgeship is the pronouncement of the verdict in a binding way. It settles the disputes among people, prevents that which harms the community's rights and eliminates the disputes arising between people and members of the ruling apparatus - rulers and employees - including the Khaleefah and those of lesser rank.

Article 76: The Khalifah appoints a supreme judge to the judiciary from the male, adult, free, Muslim, sane, just people who know jurisprudence, and if he was given the power to appoint and remove the Madhalim judge, and had the power of judgement in the Madhalim, then he would have to be a Mujtahid. He would have the power to appoint judges, discipline them, and remove them as part of the administrative systems. As for the remainder of the civil servants of the courts, they are connected to the Department Manager who is responsible for the courts' affairs.

Article 77: There are three types of judges. They are:

1. The judge who settles the disputes among people in transactions (Mu'aamalaat) and punishments ('Uqoobaat).

2. The muHtasib who settles the violations of the community's rights.

3. The judge of the Court for the Unjust Acts (maHkaamat ul-maDHalim) who settles disputes between people and officials of the State.

Article 78: All judges must be qualified by being Muslim, mature, free, and sane, 'adl, and a jurist being aware of how to apply rules to incidents. Judges of maHkaamat ul-maDHalim must additionally be qualified with being male and a mujtahid, i.e., a person capable of making ijtihaad.

Article 79: The judge, the muHtasib and maDHalim judge may be given a general appointment to pronounce judgement on all problems throughout the State, or alternatively they can be given an appointment to a particular location and to give judgement on particular cases.

Article 80: The courts should be comprised of only one judge who has the authority to pronounce verdict. One or more judges are however permitted to accompany him with only the authority of advising and assisting. They have no authority to pronounce verdict and their opinion is not binding on the judge who has the sole authority to give judgement.

Article 81: The judge cannot pronounce verdict except in a court session. Evidence and oaths are not considered except in a court session as well.

Article 82: It is permissible to vary the grades of courts in respect to the type of cases. Some judges may thus be assigned to certain cases of particular grades, and other courts authorised to judge the other cases.

Article 83: There are no courts of appeal or cassation, because all judgements are of equal standing. Thus, once the judge has pronounced the verdict it becomes effective and no other judge's decision can overturn it, unless he judged with other than Islam, disagreed with a definite text in the Qur'an, Sunnah or Ijmaa' as-SaHaabah or it appeared that he judged in contradictory to a true reality.

Article 84: The muHtasib is the judge who investigates all cases, in the absence of an individual litigation, involving the rights of the public that are non-criminal and not involving the Hudood (i.e., the punishments.)

Article 85: The muHtasib has the authority to judge upon violations, at any place as soon as he gains knowledge of these violations without the need to hold a court session. A number of policemen are put at the muhtasib's disposal to carry out his orders and to execute his verdicts immediately.

Article 86: The muHtasib has the right to appoint deputies to himself, that possess the same qualifications as the muHtasib, and to assign them to various locations where they exercise the same authority as the muHtasib in the location and the cases assigned to them.

Article 87: The judge of the maHkaamat ul-maDHalim is appointed to remove all unjust acts, committed by the Khaleefah, governor(s), or any official of the State, that have been inflicted upon anyone - whether that person is a citizen or not - living in the domain of the State.

Article 88: Judges in the maHkaamat ul-maDhalim of Injustice are appointed by the Khaleefah or the chief judge. As for their accounting, disciplining and dismissal, this is carried by the Khaleefah, the maHkaamat ul-maDHalim or the chief judge if authorised by the Khaleefah to do so. However, it is not allowed to dismiss him during his investigation in an unjust act against the khaleefah, mua'win ut-tafweeDH or the chief judge; rather the power to remove him in these circumstances is the Court of Injustices (Madhalim).

Article 89: There is no limit on the number of judges that can be appointed for the Unjust Acts. The Khaleefah can appoint as many as he may deem necessary to eradicate the unjust acts. Although it is permitted for more than one judge to sit in a court session, only one judge has the authority to pronounce a verdict. The other judges only assist and provide advice, and their advice is not binding on the judge authorised to pronounce the verdict.

Article 90: The Court of Injustices (Madhalim) has the right to remove any ruler or civil servant in the State, in the same way that it has the right to remove the Khalifah, if the elimination of the Madhlamah required this removal.

Article 91: The maHkaamat ul-maDHalim has the authority to investigate any case of iniquity, whether it be connected with officials of the State, the Khaleefah's deviation from the divine rules, interpretation of the legislative texts in the constitution, canons and divine rules within the framework adopted by the Khaleefah or the imposition of a tax, etc.

Article 92: The judiciary of the Injustices (Madhalim) is not restricted by a court session or the request of the defendant or the presence of the plaintiff. It has the authority to look into any case of injustice even if there is no plaintiff.

Article 93: Everyone, both in prosecution and defence, has the right to appoint a proxy, whether male or female, Muslim or not, to act on his or her behalf. There is no distinction in this matter between the attorney and to the individual granting power to the attorney. The proxy has the right to be appointed in return of a fee according to the terms agreed upon between the two parties in question.

Article 94: It is permitted for the one who holds office, such as the Khaleefah, waali, official, muHtasib and judge of the Court for the Unjust Acts, or persons who have been vested with a specific responsibility, like a custodian or guardian, to appoint a person to his position as a proxy - within the bounds of his authority - for the purpose of appearing on his/her behalf as the plaintiff or defendant, and for no other reason.

Article 95: The contracts, transactions, and verdicts which were ratified and whose implementation was completed before the

establishment of the Khilafah are not nullified by the judges of the Khilafah and nor do they review them, unless the case:

a. Has a continued effect which contradicts Islam, so it is obligatory to review it.

b. Or if it was connected with harm to Islam and the Muslims which was brought about by the previous rulers and their followers, and so it is permitted for the Khalifah to review these cases.

c. Or if it was connected to wealth which had been misappropriated and still remains in the hands of the one who had taken it.

The Administrative System

Article 96: Management of the government's and people's affairs is carried out by offices, departments, and administrations, whose task is to ensure the management of the State's business and the carrying out of the people's interests.

Article 97: The policy of the administrations, directorates and departments is built upon the simplicity of the system, speed in carrying out the tasks and competence in those who are in charge of management.

Article 98: Any subject of the State, male or female, Muslim or not, who is suitably competent may be appointed as head or a civil servant of any administration, directorate or department.

Article 99: Every office has a general manager appointed, and every department and administration has a manager who is responsible for its management, and is directly responsible for it, and they are accountable in terms of their work to whoever is in charge of the highest administration for their offices, departments or

administrations, and are accountable in terms of their adherence to the general rules and systems to the governor and ‘Amil.

Article 100: The managers and directors of all the administrations, directorates and departments are to be dismissed only for reasons connected with administrative regulations. It is permitted to move them from one post to another and to suspend them by the one who is in charge of the highest administration of their office, department, or administration.

Article 101: Employees other than the directors and the managers, are appointed, transferred, suspended, questioned, disciplined or dismissed by those who are in charge of their administration, directorate or department.

The Treasury (Bayt al-Mal)

Article 102: The treasury (Bayt al-Mal) is the administration responsible for the revenues and expenditure in accordance with the Shari’ah rules in terms of their collection, storage and spending. The head of the office of the treasury is called the Treasurer of the Treasury (Khazin Bayt al-Mal). The offices in the provinces fall under it and the head of each office is called the Trustee of the Treasury (Sahib Bayt al-Mal).

The Media

Article 103: The institution of the Media Office is responsible for drawing up and executing the political media strategy for the State in order to support the interests of Islam and the Muslims. Internally, it works to build an Islamic society that is strong and cohesive, and it refutes that which is malicious while confirming that which is good. In

external affairs it is to promote Islam during peace and war, in a manner that explains the greatness of Islam, its justice and the strength of its soldiers, and expose the corruption and oppression of the manmade system and the weakness of their soldiers.

Article 104: The media owned by any citizen of the State does not require a permit; rather they are simply required to inform the media office, such that the office knows about the media outlets that are being established. The owner and the editors of the media are responsible for every article they publish and are accounted for anything which contradicts the Shari'ah in the same manner as any other citizen.

Majlis al-Ummah (Consultation and Accountability)

Article 105: The members of the Majlis al-Ummah are those people who represent the Muslims in respect of expressing their views to the Khaleefah when consulted. Non-Muslims are allowed to be members of the Majlis al-Ummah so that they can voice their complaints in respect to unjust acts performed by the rulers or the misapplication of the Islamic laws.

Article 106: The members of the Provincial Councils are directly elected by the people in their provinces, and the number of members of the Provincial Councils is limited according to their proportion to the numbers of inhabitants in each of the provinces. The members of the Ummah Council are elected directly by the Provincial Councils. The start and end of the terms of the Ummah Council are the same as those of the Provincial Councils.

Article 107: Every citizen of the State has the right to become a member of the Majlis al-Ummah, or the Provincial Council, provided he or she is both mature and sane. This applies to Muslim and non-

Muslim. However, membership to non-Muslims is confined to their voicing of complaints in respect to unjust acts performed by the rulers or the misapplication of Islam upon them.

Article 108: Consultation (Shoora) and the mashoora are the seeking of views in absolute terms. These views are not binding in legislation, definitions, intellectual matters such as discovering the facts and the technical and scientific matters. However they are binding when the Khaleefah consults in other practical matters and actions that do not require scrutiny or research.

Article 109: Shura (consultation) is a right for the Muslims alone and the non-Muslims do not have a right to it. It is permitted for all of the subjects to put forward opinions, whether Muslim or not.

Article 110: All issues that fall under the binding Shoora, when the Khaleefah seeks opinion, are decided on the basis of the majority opinion, irrespective of whether it is considered to be correct or not. In all other matters of Shoora, the correct opinion is sought, whether it is a majority or minority view.

Article 111: The Majlis al-Ummah is charged with five duties. They are:

(1) (a) To be consulted by the Khaleefah or to advice him on the practical matters and actions which do not need scrutiny or research, such as: affairs of ruling, education, health, and the economy, industry, farming and the like; and its opinion in that is binding.

(b) However in the matters which require scrutiny and research and the technical matters, the financial, the military and the foreign policy, the Khaleefah has the right to refer to the Majlis for consultation and seeking an opinion; however the opinion of Majlis in such matters is not binding..

(2) The Majlis has the right to account the Khaleefah regarding all the actions that the state has actually executed, whether they were of the

domestic or foreign matters, or the finance or the army and the like. The view of the Majlis is binding wherever the majority opinion is binding and not binding wherever the majority opinion is not.

(3). The Majlis has the right to express dissatisfaction with the assistants, governors, and mayors; and in this matter the view of the Majlis is binding and the Khaleefah must discharge them at once.

(4). The Khaleefah may refer to the Majlis the rules, the constitution and canons, that he intends to adopt. Muslimmembers of the Majlis have the right to discuss them and express their views about them, but their opinion is not binding.

(v). The Majlis has the right toselect the list of candidates standing for the position of Khaleefah; no candidate excluded from this list may stand and the decision of the Majlis is binding. Only Muslim members of the majlis may participate in drawing up this list.

The Social System

Article 112: The primary role of a woman is that of a mother and a housewife. She is an honour (‘ird) that must be protected.

Article 113: Segregation of the sexes is fundamental, they should not meet together except for a need that the shar’ allows or for a purpose the shar’ allows men and women to meet for, such as trading or pilgrimage (Hajj).

Article 114: Women have the same rights and obligations as men, except for those specified by the shar’i evidences to be for him or her. Thus, she has the right to practice in trading, farming, and industry; to partake in contracts and transactions; to possess all form of property; to invest her funds by herself (or by others); and to conduct all of life’s affairs by herself.

Article 115: It is permitted for a woman to be appointed to the civil service and positions in the judiciary apart from the Court of Injustices. She can elect members of the Ummah's council, and be a member herself, and she can participate in the election of the Head of State and in giving him the pledge of allegiance.

Article 116: Women are not allowed to take charge of ruling, thus women cannot hold the positions of Khaleefah mu'aawin, waali, 'aamil nor to practice any actions of ruling. She is not allowed to be a chief judge, a judge in maHkaamat ul-MuDHalim nor ameer of Jihad.

Article 117: Women live within a public and private life. Within their public life, they are allowed to live with other women, maHram males [males forbidden to them in marriage] and foreign men (whom they can marry) on condition that nothing of the women's body is revealed, apart from her face and hands, and that the clothing is not revealing nor her charms displayed. Within the private life she is not allowed to live except with women or her maHram males and she is not allowed to live together with foreign men. In both cases she has to restrict herself with the rules of shar'.

Article 118: Women are forbidden to be in private (khulwah) with any men they can marry, they are also forbidden to display their charms or to reveal their body in front of foreign men.

Article 119: Men and women must not practice any work that poses danger to the morals or causes corruption in society.

Article 120: Marital life is one of tranquillity and companionship. The responsibility of the husband over his wife (qiwaamah) is one of taking care, and not ruling. She is obliged to obey her husband and he is obliged to meet the costs of her livelihood according to a fair standard of living (ma'roof).

Article 121: The married couple must fully assist each other in performing the household duties, with the husband performing all the

actions normally undertaken outside of the house, and the woman performing those actions normally undertaken inside the house as best as she can. The husband should provide home help as required to assist with the household tasks she cannot manage herself.

Article 122: The custody of children is both a right and duty of the mother, whether Muslim or not so long as the child is in need of this care. When children, girls or boys, are no longer in need of care, they are to choose which parent they wish to live with, whether the child is male or female. If only one of the parents is Muslim, there is no choice for the child but to join the Muslim parent.

The Economic System

Article 123: The management of economics is the view of what the society ought to be when addressing the satisfaction of (human) needs, so the type of society we ought to have is made as the basis for satisfying the needs.

Article 124: The fundamental economic problem is how to distribute funds and benefits/ services to all subjects of the State, and to facilitate all the subjects to utilise these funds and benefits/ services by enabling them to strive and possess them.

Article 125: Every individual must have all his basic needs provided for completely by the State, and he/she must be guaranteed to satisfy his extra needs (non-basic needs) to the highest possible level.

Article 126: Allah is alone the owner of property and He has made human beings trustees on it. By this general entrust, humankind has acquired the right to possess property. As a consequence of Allah's (swt) permission for the individual to possess property, man has the actual possession.

Article 127: There are three types of property: private property, public property, and State property.

Article 128: Private property is a divine rule determined by the property itself or the benefit from it. As a result of this possession, the person who possesses it either obtains its benefit or receives a return for it.

Article 129: The public property is the sharee'ah's permission for the community to participate in getting benefit from the property itself.

Article130: State property comprises any property whose expenditure is determined solely by the view of the Khaleefah and his ijtihaad, such as: the funds of taxes, land tax (kharaaj) and head tax (jizya).

Article 131: Private property consisting of liquid and fixed assets is restricted by the following divine means (asbaab):

a. Work.

b. Inheritance.

c. Acquisition of property to survive.

d. A donation from State funds to a citizen.

e. Funds obtained by individuals neither by effort and nor through purchase.

Article 132: The disposal of property is restricted by the permission of the Legislator, i.e., Allah, (swt) whether it is spending or investing of property. Squandering, extravagance and miserliness are forbidden. Also forbidden are the capitalist companies, co-operatives, all other illegal transactions, usury (riba), fraud, monopolies, gambling and the like.

Article 133: Tithed land (al-'Ushriyyah) constitutes land within the Arabian peninsular and land whose owners had embraced Islam whilst possessing the land, (i.e. before their land been conquered by jihad).

Tax land (al-Kharaajiyyah) is all land, other than the Arabian Peninsula, which was opened by jihad, i.e. war or peace. Al- Ushriyyah land, together with its benefits, is owned by individuals. Al Kharaajiyyah land is owned by the State, and individuals own its benefits. Everyone has the right to exchange, through shar'i contracts, tithed land and the benefits of kharaji land. All people can inherit these, the same as with other properties.

Article 134: Uncultivated (muwaat) land is acquired by reviving it, i.e. irrigating it, or by protecting it, i.e. erecting fencing. Cultivated land can only be acquired by way of shar' means, such as: inheritance, purchasing or through a donation from the State.

Article 135: Leasing land, whether al- Ushriyyah land or al al-Kharaajiyyah land, for agriculture is forbidden. Sharecropping of land planted with trees is permitted, and sharecropping on all other land is forbidden.

Article 136: Every landlord is obliged to use his land; those who need financial help are to be given a loan from the treasury (bayt ul-maal) to facilitate this. Anyone who leaves his land fallow, i.e., does not use the land, for three continuous years will have it taken from him to be given to another.

Article 137: The following three categories constitute public property:

a. Public utilities, such as the town parks.

b. Vast mineral resources, like oil fields.

c. Things that, by their nature, cannot be owned by individuals, such as rivers.

Article 138: Factories by their nature are private property. However, they follow the rule of the product manufactured within them. If the product is private property, the factory is considered to be private

property, like a textile mill. If the product is a public property, like iron ore, then the factory is considered to be a public property.

Article 139: The State has no right to change private property into public property, because public property is determined by its nature and not by the view of the State.

Article 140: Everybody in the State has the right to utilise public property, and the State has no right to allow any individual to singularly possess, own or utilise public property.

Article 141: The State is allowed to protect parts of the uncultivated land or public property on behalf of any of the citizens' interests.

Article 142: Hoarding funds, even if zakaah is paid on it, is forbidden.

Article 143: Zakaah is collected from Muslims on their properties that are specified by shar', i.e. money, trading goods, cattle and grain. It is not taken from anything not specified by the shar'. Zakaah is taken from every owner whether legally responsible (mukallaf), i.e. mature and sane, or not, i.e. immature and insane. It is recorded in a specific account of the bayt ul-maal and is not to be spent except for one or more of the eight categories of people mentioned in the Glorious Qur'an.

Article 144: Jizyah (head-tax) is collected from the non-Muslims (dhimmis). It is to be taken from the mature men if they are financially capable of paying it. It is not taken from women or children.

Article 145: Kharaaj (land-tax) is collected on al-Kharaajiyyah land according to its potential production. However, in respect of al-Ushriyyah land zakaah is payable on it, on the basis of its actual production.

Article 146: The Muslims only pay the tax that shar' has permitted to cover the expenditure of bayt ul-mal, on condition that it is levied on that which is surplus to the individual's needs. The tax must be sufficient to cover the demands of the State.

Article 147: The State has the right to collect tax from the Ummah when the funds of bayt ul-maal are inadequate to cover the expenditure required to undertake all the functions the shar' has obliged the Muslims to perform. The State is not allowed to impose a tax on the people for a function the shar' has not obliged the Muslims to undertake. Thus, the State is not allowed to collect fees for the courts or departments or administrations, or for accomplishing any service.

Article 148: The budget of the State has permanent sources decided by the AHkaam shar'iyyah. The budget is further divided into sections. The funds assigned to each section and the matters for which the funds are allocated are all decided by the view of the Khaleefah and his ijtihaad.

Article 149: The permanent sources of revenues for bayt ul-maal are: spoils (fei`), jizyah, kharaaj, a fifth of the buried treasure (rikaaz) and zakaah. All these funds are collected, whether there is a need for them or not, on a continuous basis.

Article 150: If the revenues derived from the permanent sources of income for bayt ul-maal are insufficient to cover the expenditure of the State, it is permitted to collect taxes from the Muslims to cover the expenditure obliged on bayt ul-maal. The obligations are the following:

a. The needs of the poor, the needy, the wayfarers, and to perform the obligation of jihad.

b. Remuneration of the salaries of the employees, the rulers and the provisions for the soldiers.

c. Providing benefits and public utilities due on bait ul-maal, such as constructing roads, extracting water, erecting mosques, schools and hospitals.

d. Meeting emergencies, like natural disasters, famine, floods and earthquakes.

Article 151: Income derived from public and State property, people dying without heirs, properties of the apostates and customs levied at the state's borders (thoghoor), are all recorded in bayt ul-maal.

Article 152: The expenditure of bayt ul-maal is distributed among the following six categories of people as follows:

a. The eight categories of people entitled to partake of the zakaah funds.

b. The poor, the needy, the wayfarers, the debtors and jihad are funded from the permanent sources of revenues whenever there are insufficient funds in the zakaah account. When there are inadequate funds from the permanent revenues, the debtors are not to receive assistance. The poor, the needy, the wayfarers and jihad must be funded from the taxes collected for this purpose; and if required - to prevent them from falling into disorder 'fasaad' - they are to be funded from loans raised by the State for this purpose.

c. Bayt ul-maal must fund those people who perform certain duties or services for the State, such as employees, rulers and soldiers. If there are insufficient funds for this purpose, taxes must be collected immediately to meet their expenses, and loans should be raised if it is feared that corruption might ensue.

d. Bayt ul-maal shall fund the essential services and utilities such as the roads, mosques, hospitals and schools. If there are insufficient funds, taxes must be collected to cover their cost.

e. Non-essential services and utilities are funded by bayt ul-maal, but when there are insufficient funds available they are not financed and accordingly delayed.

f. Disasters, such as earthquakes and floods, must be financed by bayt ul-maal; if there are insufficient funds available, loans are to be raised immediately, and will be repaid later from taxes.

Article 153: The State should guarantee work for all subjects holding citizenship of the State.

Article 154: Company employees and the self-employed have the same rights and duties as employees of the State. Everyone who works for a wage, irrespective of the nature of the work, is considered an employee. In matters of dispute, between employer and employee over salary levels, the salary level is to be assessed on the basis of the market. If they disagree over something else, the employment contract is to be assessed according to the rules of the shar'.

Article 155: The salary is to be determined according to the benefit of the work, or the benefit of the employee, and not according to the knowledge or qualifications of the employee. There have to be no annual increments for employees. Instead, they have to be given the full value of the salary they deserve for the work they do.

Article 156: The State is to guarantee the living expenses of the one who has no money, no work and no relatives responsible for his financial maintenance. The State is responsible for housing and maintaining the disabled and handicapped people.

Article 157: The State must endeavour to circulate wealth among all the subjects and forbid the circulation of wealth among only a sector of society.

Article 158: The State tackles the task of enabling every subject to satisfy his luxuries (non-basic needs) and to achieve equality in society in accordance with the funds available to her, in the following way:

a. The State grants all its citizens liquid and fixed assets from those owned by bayt ul-maal, and from the war booties, etc.

b. The State donates from its cultivated land to those who have insufficient or no land. Those who possess land but do not use it are not given land. Those who are unable to use their land are given financial assistance to enable them to use their land.

c. Those that are unable to settle their debts are given funds from zakaah, and the war booty, etc.

Article 159: The State supervises agricultural affairs and their products in accordance with the needs of the agricultural policy, so as to achieve the potential of the land to its greatest level of production.

Article 160: The State supervises the whole affairs of industry. It directly undertakes those industries related to the public property.

Article 161: Foreign trade is assessed on the basis of the citizenship of the trader and not the origin of the goods. Merchants from countries in a state of war with the State are prevented from trading in the State, unless given a special permission for the merchant or the goods. Merchants from countries that have treaties with the State are treated according to the terms of the treaties. Merchants who are subjects of the State are prevented from exporting any goods that the enemies could benefit of militarily, industrially or economically. However, they are not prevented from importing any property they own. Any country that we have real war between us and its citizens (such as Israel) is excluded from these rules. The rules applicable to the actual land of war apply to such a country in all the relations with it whether trade or otherwise.

Article 162: All individual subjects of the State have the right to establish research and development laboratories connected with all life's affairs. The State should also establish such laboratories.

Article 163: Individuals are prevented from possessing laboratories producing materials that could harm the Ummah or the state or materials that the Shari'ah forbade.

Article 164: The State provides free health care for all, but it does not prevent using private medical care and nor the sale of medicine.

Article 165: Development and investment by foreign funds within the State is forbidden. It is also prohibited to grant franchises to foreigners.

Article 166: The State issues its own currency, which is independent of all foreign currencies.

Article 167: The currency of the State is to be restricted to gold and silver, whether minted or not. No other form of currency for the State is permitted. The State can issue coinage not of gold or silver provided that the treasury of the State (bayt ul-maal) has the equivalent amount of gold and silver to cover the issued coinage. Thus, the State may issue coinage in its name from brass, bronze or paper notes etc. as long as it is covered completely by gold and silver.

Article 168: It is permissible to have exchange between the State currency and the currency of other states like the exchange between the state's own currencies. It is permissible for the exchange rate between two currencies to differ provided the currencies are different from each other. However, such transactions must be undertaken in a hand-to-hand manner and constitute a direct transaction with no delay involved. The exchange-rate can change or fluctuate without any restrictions as long as it is between two different currencies. All citizens can buy whatever currency they require from within or outside

the State and they can purchase the required currency without obtaining prior permission or the like.

Article 169: It is completely prohibited to open banks, and the only one permitted will be the State bank and there are no transactions upon interest. This will be dealt with by a particular department of the Bayt al-Mal. Financial loans will be undertaken in accordance with the rules of the Shari'ah and the financial and currency transactions will be facilitated.

Education Policy

Article 170: It is imperative that Islamic 'Aqidah is the basis for the education curriculum. The syllabi and the ways of teaching are all drafted in a manner that does not deviate from this basis.

Article 171: The purpose of education is to form the Islamic personality in thought and behaviour. Therefore, all subjects in the curriculum must be chosen on this basis.

Article 172: The goal of education is to produce the Islamic personality and to provide people with the knowledge connected with life's affairs. Teaching methods are established to achieve this goal; any method that leads to other than this goal is prevented.

Article 173: There must be weekly classes in Islamic sciences and Arabic, with the same time and amount allocated as the classes for the rest of the sciences.

Article 174: Distinction should be drawn between the empirical sciences such as mathematics, on the one hand, and the cultural sciences, on the other. The empirical sciences, and all that is related to them, are taught according to the need and are not restricted to any stage of education. As for the cultural sciences, they are taught at the primary and secondary levels according to a specific policy which does

not contradict Islamic thoughts and rules. In higher education, these cultural sciences are studied like other sciences provided they do not lead to a departure from the stated policy and goal of the education.

Article 175: The Islamic culture must be taught at all levels of education. In higher education, departments should be assigned to the various Islamic disciplines as will be done with medicine, engineering, physics etc.

Article 176: Arts and crafts may be related to science, such as commerce, navigation and agriculture. In such cases, they are studied without restriction or conditions. Sometimes, however, arts and crafts are connected to culture and influenced by a particular viewpoint of life, such as painting and sculpting. If this viewpoint of life contradicts the Islamic viewpoint of life, these arts and crafts are not taken.

Article 177: The state's curriculum is only one and no curriculum other than that of the state is allowed to be taught. Private schools provided they are not foreign, are allowed as long as they adopt the state's curriculum and establish themselves on the State's educational policy and accomplish the goal of education set by the State. Teaching in such schools should not be mixed between males and females, whether the students or the teachers; and they should not be specific for certain deen, mazhab, race or colour.

Article 178: It is an obligation upon the State to teach every individual, male or female, those things which are necessary for the mainstream of life. This should be obligatory and provided freely in the primary and secondary levels of education. The State should, to the best of its ability, provide the opportunity for everyone to continue higher education free of charge.

Article 179: The State ought to provide the means of developing knowledge, such as libraries and laboratories, in addition to schools and universities, to enable those who want to continue their research

in the various fields of knowledge, like fiqh, Hadeeth and tafseer of Qur'an, thought, medicine, engineering and chemistry, inventions and discoveries etc. This is done to create an abundance of mujtahideen, outstanding scientists and inventors.

Article 180: The exploitation of writing for educational purposes, such as copyrighting, at whatever level is strictly forbidden. Once a book has been printed and published, nobody has the right to reserve the publishing and printing rights, including the author. However, if the book has not been printed and published, and thus is still an idea, the owner has the right to take payment for transferring these ideas to the public, the same way he can take payment for teaching them.

Foreign Policy

Article 181: Politics is taking care of the nation's affairs inside and outside the State. It is performed by the State and the nation. The State conducts it and the nation accounts the State about it.

Article 182: It is absolutely forbidden for any individual, party, group or association to have relations with a foreign state. Relations with foreign countries are restricted only to the State, because the State has the sole right to look after the Ummah's affairs. The Ummah is to account the State regarding this task of looking after its fotreign affairs.

Article 183: Ends do not justify the means, because the method is integral to the thought. Thus, the duty (waajib) and the permitted (mubaaH) cannot be attained by performing a forbidden action (Haraam). Political means must not contradict the political methods.

Article 184: Political manoeuvres are necessary in foreign policy, and the effectiveness of these manoeuvres is dependent on concealing (your) aims and disclosing (your) acts.

Article 185: Some of the most important political means are exposing the crimes of other states, demonstrating the danger of erroneous politics, exposing harmful conspiracies and undermining misleading personalities.

Article 186: One of the most important political methods is the manifestation of the greatness of the Islamic thoughts in taking care of the affairs of individuals, nations and states.

Article 187: The political cause of the Ummah is Islam, in the might of the State, the improvement of the implementation of its rules, and continuity in its call (da'wah) to humankind.

Article 188: The foreign policy revolves around carrying the call to Islam, and the relationship between the State and all the other states is built upon its basis.

Article 189: The State's relations with other states are built upon four considerations. These are:

1. States in the current Islamic world are considered to belong to one state and, therefore, they are not included within the sphere of foreign affairs. Relations with these countries are not considered to be in the realm of foreign policy and every effort should be expended to unify all these countries into one state.

2. States that have economic, commercial, friendly or cultural treaties with our State are to be treated according to the terms of the treaties. If the treaty states so, their subjects have the right to enter the State with an identity card without the need for a passport provided our subjects are treated in a like manner. The economic and commercial relations with such states must be restricted to specific items and specific characters that are deemed necessary and which, at the same time, do not lead to the strengthening of these states.

3. States with whom we do not have treaties, the actual imperialist states, like Britain, America and France and those states that have designs on the State, like Russia are considered to be potentially belligerent states. All precautions must be taken towards them and it would be wrong to establish diplomatic relations with them. Their subjects may enter the Islamic State only with a passport and a visa specific to every individual and for every visit, unless it became a real belligerent country

4. With states that are actually belligerent states, like Israel, a state of war must be taken as the basis for all measures and dealings with them. They must be dealt with as if a real war existed between us - whether an armistice exists or not - and all their subjects are prevented from entering the State.

Article 190: All military treaties and pacts, of any type, are absolutely forbidden. This includes political treaties and agreements covering the leasing of military bases and airfields. It is permitted to conclude good neighbouring, economic, commercial, financial, and cultural and armistice treaties.

Article 191: The State is forbidden to belong to any organisation which is based on something other than Islam or which applies non-Islamic rules. This includes international organisations like the United Nations, the International Court of Justice, the International Monetary Fund and the World Bank, and regional organisations like the Arab League.